

Virginia Administrative Code

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CHAPTER 335

VIRGINIA EMERALD ASH BORER QUARANTINE FOR ENFORCEMENT OF THE VIRGINIA PEST LAW

2VAC5-335-10. Declaration of quarantine.

A quarantine is hereby established to regulate the movement of certain articles capable of transporting the highly destructive pest of ash (*Fraxinus* spp.) known as the emerald ash borer, *Agrilus planipennis* (Fairemaire).

Statutory Authority

§ 3.2-703 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008; amended, Volume 28, Issue 25, eff. July 26, 2012.

2VAC5-335-20. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008; repealed, Volume 28, Issue 25, eff. July 26, 2012.

2VAC5-335-30. Definitions.

The following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"Emerald ash borer" means the live insect known as the emerald ash borer, *Agrilus planipennis* (Fairemaire), in any life stage (egg, larva, pupa, adult).

"Inspector" means any employee of the Virginia Department of Agriculture and Consumer Services, or other person authorized by the commissioner to enforce the provisions of the quarantine or regulation.

"Moved (move, movement)" means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

"Person" means any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

"Virginia Pest Law" means the statute set forth in Chapter 7 (§ 3.2-700 et seq.) of Title 3.2 of the Code of Virginia.

Statutory Authority

§ 3.2-703 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008; amended, Volume 28, Issue 25, eff. July 26, 2012.

2VAC5-335-40. Regulated articles.

The following articles are regulated under the provisions of this quarantine:

1. The emerald ash borer in any life stage.
2. Firewood of all hardwood (nonconiferous) species.
3. Ash (*Fraxinus* spp.) nursery stock.
4. Green (nonheat treated) ash lumber.
5. Other living, dead, cut, or fallen material of the genus *Fraxinus*, including logs, stumps, roots, branches, and composted and uncomposted wood chips.

Statutory Authority

§ 3.2-703 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008; amended, Volume 28, Issue 25, eff. July 26, 2012.

2VAC5-335-50. Regulated areas.

The entire Commonwealth of Virginia is a regulated area.

Statutory Authority

§ 3.2-703 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008; amended, Virginia Register Volume 26, Issue 23, eff. July 8, 2010; Volume 28, Issue 23, eff. June 22, 2012; Volume 28, Issue 25, eff. July 26, 2012.

2VAC5-335-60. Conditions governing the intrastate movement of regulated articles.

Movement of a regulated article solely within the regulated area is allowed without restriction.

Statutory Authority

§ 3.2-703 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008; amended, Volume 28, Issue 25, eff. July 26, 2012.

2VAC5-335-70. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008; repealed, Volume 28, Issue 25, eff. July 26, 2012.

2VAC5-335-80. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008; repealed, Volume 28, Issue 25, eff. July 26, 2012.

2VAC5-335-90. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008; repealed, Volume 28, Issue 25, eff. July 26, 2012.

2VAC5-335-100. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008; repealed, Volume 28, Issue 25, eff. July 26, 2012.

2VAC5-335-110. Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and emerald ash borers as provided in the Virginia Pest Law under which this quarantine is issued.

Statutory Authority

§ 3.2-703 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008.

2VAC5-335-120. Nonliability of the department.

The Virginia Department of Agriculture and Consumer Services shall not be liable for any costs incident to inspections required under the provisions of the quarantine and regulations other than for the services of the inspector.

Statutory Authority

§ 3.2-703 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008.

2VAC5-335-130. Revocation of this regulation.

This regulation may be revoked by the board when such party is satisfied that the need for this quarantine no longer exists. Such revocation shall take place upon the date specified by the board in the order that revokes this regulation.

Statutory Authority

§ 3.2-703 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 2, eff. October 15, 2008.
